

CRIMINAL PROTOCOL - ATTORNEY GUIDANCE - RECEPTION COURT – 11/27/19¹

1. The trial date is the trial date **not a status conference**.
2. When a case is sent to trial court, Counsel must have voir dire prepared and enclosed in his/her trial folder.
3. For Track D cases and non-Track D murder and rape cases, counsel will choose a Pre-Trial Conference date before the Judge In Charge of Criminal, or designee for a Pre-Trial Conference approximately 45 days before the trial date.
4. **Advance Postponements** - Advance postponements must be submitted in advance to the Judge In Charge of Criminal through the use of the advance postponement form. The Advance Postponement Protocol and form are available under Resources for Attorneys on the Baltimore City Circuit Court webpage Criminal Division tab.
5. The **State's Attorney's Office initiates** the worksheet in MAGS. Please have all applicable MAGS worksheets initiated BEFORE addressing matters to Reception Courts and Trial Courts that will require a MAGS worksheet.
6. Should edits to the worksheet be needed, the State's Attorney's Office is responsible for making edits in the courtroom.
7. After disposition, Counsel should not leave the courtroom without a copy of the final MAGS worksheet,
8. Upon calling the case, counsel for the State shall advise the Reception Court Judge:
 - a. **if exigent circumstances exist or counsel is in trial in another case**, whether a postponement is being requested and whether it is a joint request for postponement;
 - b. if there is a negotiated plea agreement;
 - c. the expected length of the trial; and
 - d. whether any pretrial motions are pending.
9. After counsel for the State has called the case, defense counsel shall advise the Reception Court Judge:

¹Pursuant to Rule 1-102, this Protocol is advisory only and is superseded by any contrary statutes and Court rules.

- a. **if exigent circumstances exist or counsel is in trial in another case**, whether a postponement is being requested;
 - b. if there is a negotiated plea agreement;
 - c. whether a court or jury trial is requested; and
 - d. if the State has requested a postponement, whether the defense objects or does not object to the request, and the grounds for the objection, if made.
10. Exigent circumstances do **not** include:
- a. Unavailability of witnesses for reasons that were reasonably ascertainable over 48 hours before the trial date.
 - b. Conflicts in counsel’s schedule for reasons that were reasonably ascertainable over 48 hours before the trial date.
 - c. Unavailability of evidence such as test results for reasons that were reasonably ascertainable over 48 hours before the trial date.
 - d. Failure to provide discovery within the time limits set by Rule 4-263(h) or “promptly” as required by Rule 4-263(j). Be prepared to proceed to trial without use of evidence contained in untimely discovery if the trial court finds such sanction is appropriate under Rule 4-263(n).
 - e. **Failure to timely communicate with another Court about the status of the defendant’s probation.**
11. In preparing for trial, do **not** rely upon representations by other counsel that he or she may not be ready for trial, or that the defendant may wish to plead guilty. Such representations will not serve as bases for a postponement request if incorrect.
12. **If you have a case that has been sent from Reception Court and scheduled for trial before a Trial Court judge and you have reached an early resolution of the case prior to the trial date, you must contact the Judge In Charge of Criminal’s chambers to schedule the plea before the Judge In Charge of Criminal.**
13. If you have a case that is scheduled for trial in one of the Reception Courts and you have reached an early resolution of the case, you may contact the Reception Court judge to schedule the plea.

cc: Criminal Manual
Criminal Trial Manual

Office of the State's Attorney
Office of the Public Defender
Private Defense Bar